

REMARKS

The Office action dated April 16, 2007, and the references cited therein have been received and carefully reviewed.

As a result of the Office action, claims 1, 59, 60, 62, and 69-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lovell in view of Mikol. These references have been carefully reviewed but are not believed to show or suggest Applicants' invention as now claimed. Reconsideration and allowance of the pending claims is therefore respectfully requested in view of the following remarks.

By the above amendment, claim 1 has been amended to include the limitations of claim 83, and claim 59 has been amended to include substantially all the limitations of claim 69. Subsequently, claims 69 and 83 have been cancelled without prejudice or disclaimer. Therefore, amended claim 1 now recites: ". . . wherein said sections each have a thickness greater than the thickness of the flexure zones" Similarly, amended claim 59 now recites: ". . . wherein the first and second sections each have a thickness greater than the thickness of the first flexure zone, and the second and third sections each have a thickness greater than the thickness of the second flexure zone"

According to the Office Action, the claims are unpatentable over Lovell in view of Mikol. It is respectfully submitted that the claims are not made obvious by these two references.

Indeed, it is submitted that Lovell teaches away from the present invention. Lovell teaches a collapsible container which includes a series of folds or pleats 16. As stated in Lovell:

The accordion pleats 16 also embody features which are not readily apparent. The material of the pleats is relatively thin, preferably less than .005 and advantageously between .0005 and .002 inch. This accounts in part for the extreme economy of the cup. It will also be noted that the edges of the pleats are sharply creased and are slightly thicker than the sides of the pleats. These edges form reinforcing rings r (see FIG. 3) in the cup which prevent its inward collapse when normally gripped in use.

(Col. 2, lines 55-63) (emphasis added). Thus, Lovell fails to teach or suggest pleats, the wall sections of which have a thickness greater than the thickness of the edges as required by the presently amended claims, but rather teaches the converse.

As quoted above, Lovell teaches that the thickened edges are necessary to prevent the container from collapsing inwardly. Accordingly, any attempt to modify the edges of the pleats in Lovell in order to reduce their thickness, or to

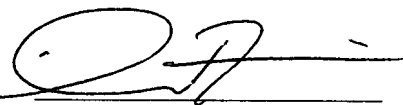
combine Lovell with the living hinge structure of Mikol, would render the Lovell container unsatisfactory for its intended purpose as such modification or combination would cause the container to inwardly collapse when normally gripped in use. However, pursuant to MPEP 2143.01, a proposed modification or combination of the prior art cannot render the prior art unsatisfactory for its intended purpose. Therefore, the proposed modification is contrary to MPEP 2143.01.

In view of the foregoing, it is respectfully submitted that independent claims 1 and 59 are allowable over the prior art.

Each issue raised in the Office action dated April 16, 2007, has been addressed and it is believed that claims 1, 59-60, 62, 70-82, and 84-91 are now in condition for allowance. Wherefore, Applicants respectfully request a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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